



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on

October 17, 2005

Date of Deposit or Transmission
Kenneth A. Gandy

Name of Registered Representative

Kenneth A. Gandy
Signature
October 17, 2005

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U. S. application of:
William F. McKay

Serial No. 09/923,116

Filing Date: August 6, 2001

HIGHLY-MINERALIZED OSTEOGENIC
SPONGE COMPOSITIONS, AND USES
THEREOF

) Before the Examiner
) Emily M. Le
)
) Group Art Unit
) 1648
)
) October 17, 2005
)
)
)

NOTICE OF APPEAL

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Office Action setting forth a final rejection of claims 1-19, 42-49 and 51-72, all claims under consideration, was mailed from the U.S. Patent and Trademark Office on May 16, 2005.

Applicant hereby appeals the Examiner's final rejection of said claims. The enclosed payment includes an amount of \$500.00 for the fee specified under 35 U.S.C. §1.17(b). In the event that any additional fees or any credits are due, the Commissioner is authorized to charge or to credit Deposit Account No 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By:

Kenneth A. Gandy
Kenneth A. Gandy
Woodard, Emhardt, Moriarty, McNett
& Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456

10/20/2005 HTECKLU1 00000015 09923116

01 FC:1401

500.00 OP